

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**Peter G. Jarvis,**  
Appellant,

**v.**

**Scott County Board of Review,**  
Appellee.

**ORDER**

**Docket No. 13-82-0955**  
**Parcel No. 851003117**

On July 22, 2014, the above-captioned appeal came on for hearing before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) (2013) and Iowa Administrative Code rules 701-71.21(1) et al. Appellant Peter Jarvis was self-represented. Assistant County Attorney Robert Cusack is counsel for the Board of Review, and Deputy Assessor Ed Vieth represented it at hearing. The Appeal Board now having examined the entire record, heard the testimony, and being fully advised, finds:

***Findings of Fact***

Peter Jarvis is the owner of property located at 1913 Canal Shore Drive SW, Le Claire, Iowa. According to the property record card, Jarvis' property is a one-story, frame home built in 1993. It has 1400 square feet of above-grade living area; a full, walk-out basement, which includes a two-stall, built-in garage and 700 square-feet of rec room quality finish; a 136 square-foot deck; and a 168-square-foot open porch. The subject site is 0.173-acres. The real estate was classified residential on the January 1, 2013, assessment and valued at \$249,750, representing \$120,000 in land value and \$129,750 in improvement value.

Jarvis protested the assessment to the Scott County Board of Review on the grounds that the assessment was not equitable as compared with the assessments of other like property and

that the property was assessed for more than authorized by law under section under Iowa Code sections 441.37(1)(a)(1) and (2). Jarvis also protested on the ground that there was fraud in the assessment under section 441.37(1)(a)(5); however, his fraud claim essentially reasserted his belief the property was overassessed. The Board of Review granted the protest, in part, reducing the assessment to \$242,000.

Jarvis then appealed to this Board reasserting his claims. Based on the testimony and evidence provided at the hearing, the gist of Jarvis' claim is that the property was over assessed. Therefore, we do not address Jarvis' inequity claim.

First, Jarvis' primary concern with the assessment is the value attributed to his land. He believes the Assessor's Office is not valuing his land according to the Department of Revenue's IOWA REAL PROPERTY APPRAISAL MANUAL (MANUAL). He believes the correct way to value his land is by either the square-foot method or front-foot method. (MANUAL pp. 2-5 & 2-6). Deputy Assessor Ed Vieth testified the Assessor's Office is valuing the land based on a site method, which is also a method recognized in the MANUAL. (p. 2-6).

Three appraisals were submitted to establish the market value of the subject property. Jarvis submitted an appraisal completed by Kelvin Sidney of Sidney Appraisal Services, Davenport, Iowa. The Board of Review submitted an appraisal completed by Scott Broders of Broders Appraisal, LLC, and an appraisal from Martin Corey of Oakwood Appraisal Company, East Moline, Illinois. The following chart summarizes the three appraisals and some of their value conclusions.

Appraiser	Sales Comparison Approach	Cost Approach	Final Opinion of Value
Sidney	\$220,000	\$218,000	\$220,000
Broders	\$242,000	\$247,494	\$242,000
Corey	\$233,000	N/A	\$233,000

Sidney's appraisal values the subject property as of May 22, 2014. Sidney developed the sales comparison and cost approaches to value. His conclusions are listed in the chart above.

Sidney used three sales to determine a site value: 833 Canal Shore Drive, 819 Canal Shore Drive, and 676 Cody Road. The record indicates that while the sales on Canal Shore Drive were improved sites at the time of sale, shortly thereafter the improvements were removed. Because the improvements were removed shortly after sale, these values would reflect site values. Sidney adjusted these two sales for date of sale, site size, and demolition of the existing older improvements. In addition, he adjusted 833 Canal Shore downward for its garage.

The sale located at 676 Cody Road occurred in June 2013 and is 1.37 acres compared to the subject's 0.173 acres. Further, Sidney notes that although the Cody Road sale has a view of the river, it does not have direct access like the subject property. He adjusted this sale upward \$60,000 for this factor, but provided no explanation for the adjustment. Sidney did not include the Cody Road sale on the grid of his site analysis but discussed it in his report and appears to have considered it in his site value reconciliation.

Finally, Sidney adjusted each of the three sales for differences in site size, however his adjustments were based on each property's sale price per square foot. This is not recognized appraisal methodology. After adjusting each of the sales on a per-square-foot basis, Sidney then concludes the subject's site value is \$75,000, or \$1500 per-front-foot. It is atypical to adjust

sales based on one unit of comparison and then identify the value of the property on a different unit of comparison.

Sidney's sales comparison analysis is equally unorthodox. He includes three sales and two listings. All of the sales occurred seven to twelve months *after* the 2013 assessment date. Sales 2 and 3 sold from an estate and Sidney indicates the buyers may intend to raze the improvements. If this is true, they would not be reasonable sales to use to determine an improved value. There is no explanation in his sales comparison analysis how site adjustments were determined for comparable Sales 2 or 3. Additionally, Sale 5 has 230-front-foot of river frontage compared to the subject's roughly 50-front-foot on the river; for this reason we question its comparability. Sidney's adjustments throughout the sales comparison approach are inconsistent and lack adequate explanation for us to find them reliable for determining the subject property's market value as of the assessment date and we give the appraisal no weight.

The Board of Review's Broders appraisal has an effective date of January 1, 2014. Broders developed the sales comparison and the cost approaches to value and opined a final opinion of \$242,000. He considered three properties in his sales comparison analysis; two occurred in 2012, which we believe would reasonably reflect a January 1, 2013, opinion of value. The third sale occurred in August 2013 and is arguably less relevant.

The Board of Review's Corey appraisal has an effective date of January 1, 2013. (Exhibit N). Corey relied solely on the sales comparison approach and included six sales in his analysis. Four sales occurred in 2009/2010 and two occurred in August and September of 2013. It is unclear why Corey did not use the two 2012 sales that Broders analyzed.

While there was other evidence submitted by both parties, none of it established a market value for the subject property, and we give it no consideration.

### ***Conclusion of Law***

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. This Board is an agency and the provisions of the Administrative Procedure Act apply. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review, but considers only those grounds presented to or considered by the Board of Review. §§ 441.37A(3)(a); 441.37A(1)(b). New or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available to determine market value then "other factors," such as income and/or cost, may be considered. § 441.21(2). The property's assessed value shall be one hundred percent of its actual value. § 441.21(1)(a).

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(2), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Boekeloo v. Bd. of Review of the City of Clinton*, 529

N.W.2d 275, 277 (Iowa 1995). The record includes three appraisals on the subject property.

As previously noted, Jarvis' primary concern in this appeal is the opinion of site value. All three appraisers determined an opinion of site value of \$75,000. For this reason, Jarvis asserts the subject property's land value should be adjusted to reflect this value, rather than the \$120,000 site value determined by the Assessor's Office. He also believes the assessed improvement value of \$122,000 should remain the same resulting in a total assessment of \$197,000. We disagree. Regardless of the assessment allocation between site and improvements, the record is clear that the total value of the property is more than \$197,000.

We do not find the Sidney appraisal to be reliable because it does not use recognized appraisal methodology in either analysis. Additionally, all of the improved sales Sidney used occurred between seven to twelve months after the January 1, 2013, assessment.

We find both the Broders and Corey appraisals were completed using recognized appraisal methodology and techniques, and both provided adequate rationale to support the final opinions. Both appraisers indicate limited sales were available for analysis. However, only Broders included 2012 sales, which are the closest to the January 1, 2013, assessment date. Therefore, we find his conclusion is the best indicator of market value. Borders valued the property at \$242,000, which supports the value determined by the Board of Review and Assessor's Office.

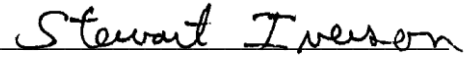
For the foregoing reasons, we conclude Jarvis has failed to show the subject property is assessed for more than authorized by law.

THE APPEAL BOARD ORDERS the assessment of Peter G. Jarvis's property located at 1913 Canal Short Drive SW, Le Clair, Iowa, is affirmed.

Dated this 18th day of September, 2014.



Karen Oberman, Presiding Officer



Stewart Iverson, Board Chair



Jacqueline Rypma, Board Member

Copies to:  
Peter G. Jarvis  
1913 Canal Shore Drive  
Le Claire, Iowa 52753  
APPELLANT

Robert Cusack  
400 W 4th Street  
Davenport, Iowa 52801  
ATTORNEY FOR APPELLEE